In the Supreme Court of the United States

OCTOBER TERM, 1936

No. 398

FOUNDERS GENERAL CORPORATION, PETITIONER

v.

JAMES J. HOEY, COLLECTOR OF UNITED STATES INTERNAL REVENUE FOR THE SECOND DISTRICT OF THE STATE OF NEW YORK

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE RESPONDENT

We do not oppose the granting of a writ of certiorari in this case. The petition is based chiefly upon a conflict between the decision below and that of the Circuit Court of Appeals for the Seventh Circuit in *United States* v. *A. B. Leach & Co.*, 84 F. (2d) 908.

The Government has petitioned for certiorari in the *Leach* case, No. 331 of the present Term, and also in *Automatic Washer Co.* v. *United States*, 15

tions for certiorari, substantially the same question is involved. There are at this time pending in the courts approximately thirty cases involving transfer taxes on transactions where stock certificates were issued to nominees.

It is, therefore, believed that the question involved merits review by this Court, and we accordingly do not oppose the petition for writ of certiorari.

Respectfully submitted.

STANLEY REED,
Solicitor General.
ROBERT H. JACKSON,
Assistant Attorney General.
SEWALL KEY,
GEORGE H. ZEUTZIUS,
Special Assistants to the Attorney General.

OCTOBER 1936.

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